



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Enterprise Services

- ☒ Preproposal Statement of Inquiry was filed as WSR 12-16-098; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) **Debarment Procedures**

Hearing location(s): Presentation Room, 1500 Jefferson, Olympia, WA 98501

Date: March 13, 2013_ Time: 1 p.m. PST

Date of intended adoption: April 17, 2013
 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Online: <https://www.surveymonkey.com/s/DESRulemaking>
 Email: rules@des.wa.gov

Comments will be accepted through March 25, 2013.

Assistance for persons with disabilities: Contact

Amy Julsrud by phone at 360-407-9317 or by email at amy.julsrud@des.wa.gov

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Chapter 39.26 RCW, procurement reform, goes into effect January 1, 2013. RCW 39.26.200 grants the director of the Department of Enterprise Services the authority to debar a vendor from future state contracting opportunities if the director finds cause, provides notice to the vendor and any affiliates and affords an opportunity to be heard. RCW 39.26.200(1)(a) provides that the department must establish the debarment process by rule. The purpose of this proposal is to establish the debarment process by rule as required.

Reasons supporting proposal:

The director of the Department of Enterprise Services will not be able to exercise the new authority to debar vendors and affiliates without enactment of rules that set out the process for a debarment. The process must provide for due process of the law, so that vendors and affiliates may not be debarred without notice and an opportunity to be heard.

Statutory authority for adoption: RCW 39.26.200

Statute being implemented: RCW 39.26.200

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

DATE **December 31, 2012**

NAME Jack Zeigler

SIGNATURE

TITLE **Policy and Rules Manager**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: **January 02, 2013**
 TIME: **10:45 AM**

WSR 13-02-102

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

To obtain a copy of the rules, or to submit written comments on the rules, please contact either:

Jack Zeigler, Policy and Rules Manager

Phone: 360-407-9209 Email: jack.zeigler@des.wa.gov

Written comments:

Online: <https://www.surveymonkey.com/s/DESRulemaking>

Email: rules@des.wa.gov

Name of proponent: (person or organization) Department of Enterprise Services

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Roselyn Marcus	1500 Jefferson Ave, PO Box 41408, Olympia, WA 98504	(360) 407-8569
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Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The implementation of these rules have no or minimal cost to small business.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Department of Enterprise Services (DES) is not an agency listed in RCW 34.05.328(5)(a)(i). Further DES does not voluntarily make section 201 applicable to this rule adoption nor to date, has JARRC made section 201 applicable to this rule adoption.